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EXAMINER
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FLORY, CHRISTOPHER A

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* KENT DICKS, RALPH KENT, ROBERT TRIPP,  
TERRY BARTLETT, and THOMAS CROSLEY

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Appeal 2015-002256  
Application 11/876,711  
Technology Center 3700

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Before LYNNE H. BROWNE, ANNETTE R. REIMERS, and  
GORDON D. KINDER, *Administrative Patent Judges*.

BROWNE, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Kent Dicks et al. (Appellants) appeal under 35 U.S.C. § 134 from the rejection of claims 1–26 under 35 U.S.C. § 102(b) as anticipated by Kapoor (US 2005/0102167 A1, pub. May 12, 2005). We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

### CLAIMED SUBJECT MATTER

Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A method comprising:
  - a plurality of medical devices each receiving data through a wired connection via a first communications protocol, wherein the first communications protocol is different for at least two of the data received;
  - reformatting each of the received data to a second communications protocol that is the same for each of the received data and transmitting the received data to an intermediary device;
  - the intermediary device formatting a message and transmitting it to a medical data server, wherein the message includes the received data;
  - the intermediary device receiving a command from the medical data server to alter the operation of at least one of the plurality of medical devices;
  - the intermediary device reformatting said command for said at least one medical device to create at least one reformatted command; and
  - said at least one medical device receiving said command from the intermediary device.

### DISCUSSION

The Examiner finds that Kapoor discloses each and every limitation of independent claims 1 and 23. *See* Final Act. 2–4. In particular, the Examiner finds that Kapoor discloses an “intermediary device receiving a command from the medical data server to alter the operation of at least one of the plurality of medical devices” as required by claims 1 and 23. *See id.* at 3. In support of this finding, the Examiner identifies Local Communications Controller (LCC) 340 and Access Point 350 as intermediary devices and finds that these intermediary devices receive a

command from the medical data server to alter operation of at least one of the plurality of medical devices. *See id.* (citing Kapoor ¶¶ 53, 86, 93).

Paragraph 53 describes a method of identifying a patient and describes a “[s]erver [that] downloads various instructions as a web page on LCC to guide the care provider.” Kapoor ¶ 53. Paragraph 86 describes a method of identifying wireless transceiver modules (WTUs) associated with a specific patient. *See id.* ¶ 86. This method includes updating the LCC’s list to include “all the WTUs associated with the patient.” *Id.* Thus, neither paragraph 53 nor paragraph 86 describe an “intermediary device receiving a command from the medical data server to alter the operation of at least one of the plurality of medical devices” as required by claims 1 and 23.

Paragraph 93 describes changing the operation of an IV pump. *See* Kapoor ¶ 93. This change is accomplished by “direct import from a database or entered manually by the medical staff at the point-of-care on LCC.” *Id.* Kapoor describes a further embodiment where this change is accomplished by a command from the LCC received by the IV Pump. *See id.* However, there is no indication that in the later alternative the command is received by the LCC from a medical data server. *See id.*

Appellants contend that “Kapoor does not disclose ‘the intermediate device *receiving a command from the medical data server* to alter the operation of at least one of the plurality of medical devices.[’]” Appeal Br. 10 (emphasis added). In support of this contention, Appellants explain that “Kapoor discloses that the IV pump command is either send [sic] from the intermediary device (i.e., the LCC) or entered by medical staff at the IV pump itself.” *Id.* at 11. Appellants are correct. As discussed *supra*, none of the paragraphs of Kapoor cited by the Examiner disclose this limitation.

For this reason, we do not sustain the Examiner's decision rejecting independent claims 1 and 23, and claims 2–22 and 24–26, which depend from claims 1 and 23, respectively.

DECISION

The Examiner's rejection of claims 1–26 is REVERSED.

REVERSED